

## INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels, Jr. Governor

Thomas W. Easterly
Commissioner

March 15, 2010

100 North Senate Avenue Indianapolis, Indiana 46204 (317) 232-8603 Toll Free (800) 451-6027 www.idem.IN.gov

## VIA CERTIFIED MAIL

7000 0520 0023 5044 5317

Mr. David Foertsch Little Sandy Coal Company P.O. Box 16 Lamar, Indiana 47550-0016

Dear Mr. Foertsch:

Re:

NPDES General Permit No. ING040207

IDNR Permit No. S-0355 Little Sandy Antioch Mine

2520 North County Road 350 East

Montgomery, Indiana 47558

**Daviess County** 

Our office has received your Notice of Intent (NOI) submittal in regards to the above-referenced facility. We are pleased to inform you that the submittal is sufficient to comply with the NOI requirements in 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing, and Reclamation Activities. The general permit rule requirements are contained in 327 IAC 15-1 through 15-4 and 15-7.

The NPDES general permit identification number assigned to this facility in the previous approval will be used again in this approval. This number will be used as an identification number and should be included on all correspondence submitted to IDEM in relation to this NPDES general permit. The NPDES general permit number which has been assigned to this facility is:

# ING040207.

Due to the fact that 327 IAC 15-7 is a permit by rule, you will NOT be receiving an actual permit. However you will be responsible for following the general rule requirements contained in 327 IAC 15-1 through 15-4 and 15-7, which were sent to you with your original approval letter. Included in general permit rule 327 IAC 15-7 is the requirement for periodic reporting of several effluent parameters. This reporting will continue to be required using the forms that were sent to you previously. Should you need additional copies of this form it is also available on the internet at the following website:

http://www.in.gov/idem/5104.htm

327 IAC 15 is also available on the internet at the following website:

# http://www.in.gov/idem/4087.htm

Additionally, you will soon be receiving a supply of the computer generated preprinted federal NPDES DMR forms. Both the state and federal forms need to be completed and submitted on a routine basis. If you do not receive the preprinted DMR forms in a timely manner, please call this office at 317/232-8670.

Renewal of coverage for the facility will include all outfalls listed on Attachment 1 to this correspondence. Since the expiration date of IDEM's previous approval of your facility to operate under 327 IAC 15-7 is May 31, 2010, this renewal of coverage under 327 IAC 15-7 shall become effective on June 1, 2010, unless a person aggrieved or adversely affected by the acceptance appeals this decision. Coverage under this general permit rule expires on May 31, 2015. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as required by the Indiana Department of Environmental Management no later than ninety (90) days prior to the date of expiration.

Please note that any person who is adversely affected or aggrieved by this acceptance for coverage under the cited NPDES general permit rule may, within eighteen (18) days from the mailing date of this notification, appeal this acceptance by filing a written petition for administrative review with the Office of Environmental Adjudication, in accordance with IC 4-21.5-3-7. This petition constitutes a request for an adjudicatory hearing. The procedure for appeal is outlined in more detail on the attached page.

The Office of Environmental Adjudication will provide parties who request review of this acceptance for coverage with notice of prehearing conferences, preliminary hearings, hearing, and stays or orders disposing of all proceedings. Nonparties may receive such notices without intervening and formally becoming parties in the proceeding by requesting copies of such notices from the Office of Environmental Adjudication.

Please note that in accordance with 327 IAC 15-7-5(c), IDEM shall public notice its decision to accept your facility for coverage under the general permit rule.

If you have any questions regarding this letter, please contact Ms. Sheri L. Jordan of our staff at 317/232-8703.

Sincerely,

Catherine Hess, Chief

Permits Administration Section

Office of Water Quality

Sli/ cc:

Daviess County Health Department

IDNR, Division of Reclamation

# ATTACHMENT 1

# Little Sandy Coal - Antioch Mine

NPDES PERMIT NO. <u>ING040207</u>

EFFECTIVE DATE: June 1, 2010

IDNR PERMIT NUMBERS  $\underline{S-0355}$ 

# OUTFALLS PERMITTED FOR THIS FACILITY

	DNR BASIN		LONGITUDE	MINE DRAINAGE STATUS	RECEIVING WATER
001	S-0355 001	38°, 41', 31.9"	87°, 06',19.6"	ACID	Unnamed tributary to Oberts Ditch
002	S-0355 002	38°, 41', 31.4"	87°, 06', 19.2"	ALKALINE	Unnamed tributary to Oberts Ditch
003	S-0355 003	38°, 41', 44"	87°, 06', 34"	UNDETERMINED	Unnamed tributary to Oberts Ditch
004	S-0355 004	38°, 42', 04"	87°, 06', 34"	UNDETERMINED	Unnamed tributary to Eagan Ditch
005	S-0355 005	38°, 42', 18"	87°, 05', 20"	ALKALINE	Unnamed tributary to Antioch Creek
006	S-0355 006	38°, 42', 12"	87°, 05', 09"	ALKALINE	Unnamed tributary to Antioch Creek
007	S-0355 007	38°, 41', 25"	87°, 05', 25"	UNDETERMINED	Unnamed tributary to Oberts Ditch
800	S-0355 008	38°, 41', 37"	87°, 05', 50"	UNDETERMINED	Unnamed tributary to Oberts Ditch



# STATE OF INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

# PUBLIC NOTICE NO. 2010 - 3D -GP

DATE OF NOTICE: March 15, 2010

The Office of Water Quality issues the following NPDES GENERAL PERMIT.

#### RENEWAL

LITTLE SANDY COAL COMPANY INC. – ANTIOCH MINE, Permit No. ING040207, DAVIESS COUNTY, Montgomery, IN. This facility will discharge non-process wastewater to Oberts Ditch, Eagan Creek and Antioch Creek. The Notice of Intent (NOI) letter submitted complies with the requirements in 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing and Reclamation Activities. Permit Writer: Sheri Jordan at 317/232-8703.

#### PROCEDURES TO APPEAL

General Permit documents are available for inspection at IDEM, Office of Water Quality/Permit Section, IGCN, 100 N Senate Ave, Indianapolis, IN, Room 1203, from 9 - 4, Monday-Friday (copies 10¢ per page). The General Permit is also available at the local Health Department. Please tell others you think would be interested in this matter.

Appeal Procedure: Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication within eighteen (18) days of the date of this Public Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law.

**Timely filing:** The Petition for Administrative Review must be received by the Office of Environmental Adjudication (OEA) within 18 days of the date of this Public Notice; either by U.S. Mail postmark or by private carrier with dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore must:

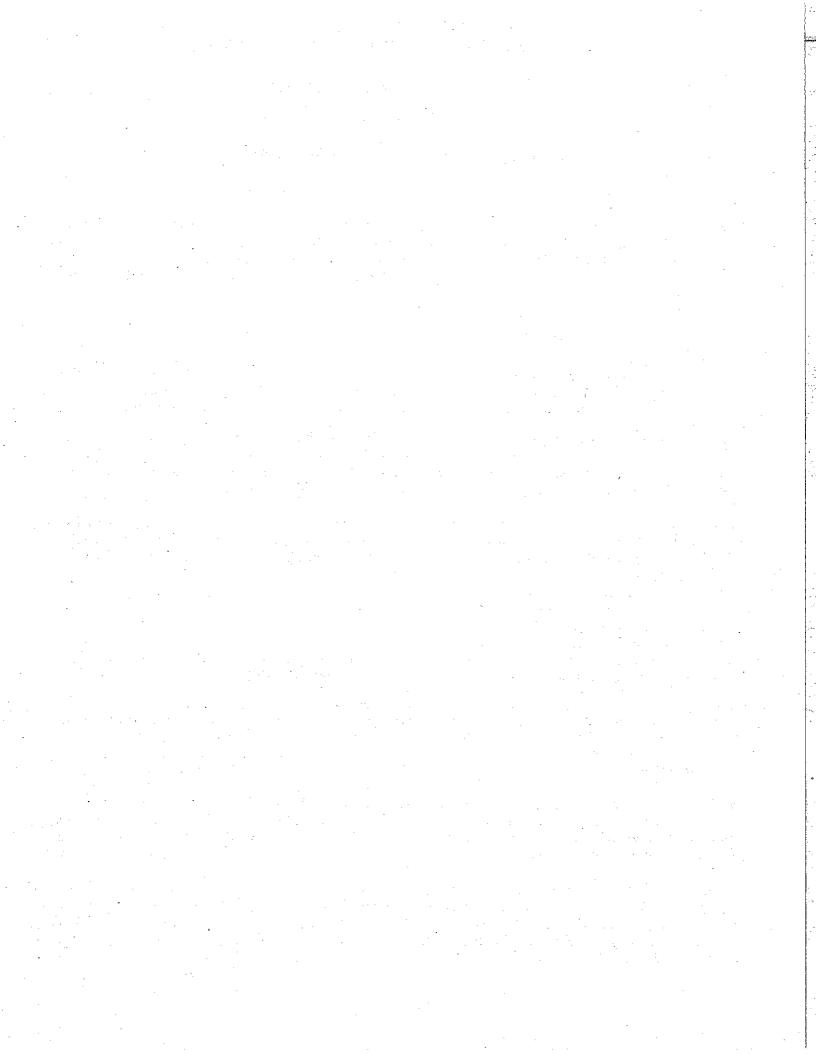
- > state the name and address of the person making the request;
- > identify the interest of the person making the request;
- > identify any persons represented by the person making the request;
- > state specifically the reasons for the request;
- > state specifically the issues proposed for consideration at the hearing;
- > identify the Final Permit Rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES Permit rule.

If the person filing the Petition for Administrative Review desires any part of the NPDES Final Permit Rule to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to the address here: Phone: 317/232-8591.

Environmental Law Judge
Office of Environmental Adjudication
IGC – North Building- Rm 501
100 N. Senate Avenue
Indianapolis IN 46204

Stay Time frame: If the Petition (s) is filed <u>within</u> eighteen (18) days of the mailing of this Public Notice, the effective date of any part of the permit, within the scope of the Petition for Stay is suspended for fifteen (15) days. The Permit will become effective again upon expiration of the fifteen (15) days, unless or until an Environmental Law Judge stays the permit action in whole or in part.

Hearing Notification: Pursuant to Indiana Code, when a written request is submitted, the OEA will provide the petitioner or any person wanting notification, with the Notice of pre-hearing conferences, preliminary hearings, hearing stays or orders disposing of the Petition for Administrative Review. Petition for Administrative Review must be filed in compliance with the procedures and time frames outlined above. Procedural or scheduling questions should be directed to the OEA at the phone listed above.





Indiana Department of Environmental Management
NPDES General Permit Notice of Intent (NOI) Letter Submittal Application (CF)
327 IAC 15-7 Facilities Engaging in Mining of Coal, Coal Processing and Region Activities

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V RULE QUALIFICATION:

The purpose of this rule is to regulate wastewater discharges from surface mining, underground mining, and reclamation projects which utilize sedimentation basin treatment for pit dewatering and surface run-off and to require best management practices for storm water run-off.

Does this facility meet these requirements?

(please check one) Please provide a brief description of the faculty operation that results in the discharge. You may attach additional sheets of

Surface water runoff is influent to basins. Water treatment is incorporated as may be needed. Effluent discharge may be regulated as needed.

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# POTENTIALLY AFFECTED PERSONS FORM

Pursuant to IC 4-21.5 it is required that a Potentially Affected Person form be completed and submitted with this application. The form and instructions are attached.

Please fill out this form in its entirety and submit it with the application.

#### XI REQUIRED FEES

A \$50 application fee is required to be submitted with applications for new permits, permit modifications, and permit renewals in accordance with IC 13-18-20-12. In addition the \$500 annual fee is required to be submitted for NEW APPLICATIONS at the time of submitting the application.

Please list amount submitted \$ 50 (37830) , attach to and submit with application. Checks or money orders shall be made payable to IDEM.

# XIII NOTTELICATION OF INDIANA DEPARTMENT OF NATURAL RESOURCES

It is required in all circumstances that a copy of this application is sent to the Indiana Department of Natural Resources (IDNR) Division of Reclamation in Jasonville, Indiana.

Please forward a copy of this application as is required and identify the party to whom it was addressed and the date that it was mailed: <u>John Voigt, DOR 12/02/09</u>

## XTITUTE CORRESPONDENCE STATEMENT

It is required by 327 IAC 15-4-3(g)(3) that the following statement shall be included in the application. The authorized signatory representative (as defined by 327 IAC 15-5-3(g)(2) and identified in item IIIa above) makes the following certification by signing and dating this section of the application below:

"I certify under penalty of law that this document and all its attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

David R. Foertsch, Vice President

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Date sygned

Submit completed form and attachments to the following address:

Indiana Department of Environmental Management
Office of Water Quality – Mail Code 65-42
NPDES Permits Section
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

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#### VIII TO POCKA PHICAL (MAP.

A topographical map must be submitted with this application. The map must include the following items:

- (A) the location of the coal mining operation, including contiguous facility property lines, shown clearly and identified by name and by mark;
- (B) the location of each numbered outfall shown clearly and identified by number and by mark;
- (C) the receiving streams and tributaries to them that each outfall discharges to shown clearly and identified by name;
- (D) any existing permanent structures or roads in the area shown clearly and identified by name.

Please attach this completed map to the application and submit both together.

#### IX. PROOF OF PUBLICATION ...

It is required that a public notice statement be published in a newspaper of largest circulation in the area where the discharge(s) will be occurring. This publication must be in the newpaper for a minimum of one day and must include the following language: (your facility name, address, address of the location of the discharging facility, and the streams receiving the discharge(s)) "is submitting a Notice of Intent letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirement under 327 IAC 15-7 to discharge wastewater associated with the mining of coal, coal processing and /or reclamation activities. Any person aggrieved by this action may appeal in writing to the Environmental Law Judge of the Office of Environmental Adjudication for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the date of this public notice. Such a written request for an adjudicatory hearing must:

- (A) state the name and address of the person making the request;
- (B) identify the interest of the person making the request;
- (C) identify any persons represented by the person making the request;
- (D) state with particularity the reasons for the request;
- (E) state with particularity the issues proposed for consideration at the hearing, and
- (F) state with particularity the reasons why the NPDES general permit rule should not be available to the discharger identified in this notice.

Any such request shall be mailed or delivered to:

Office of Environmental Adjudication Indiana Government Center – North 100 North Senate Avenue, Room N501 Indianapolis, Indiana 46204"

Please attach proof of publication of this statement from the newspaper to the application and submit both together.

# II. Please complete this form by signing the following statement.

I certify to the best of my knowledge I have listed all potentially affected parties, as defined by IC 4-21.5.

Signature: Printed name: David R. Foertsch Date: 12/3/09

Facility Name: Little Sandy Coal Co., Antioch Mine
Facility Address: P.O. Box 16, Lamar, IN 47550

#### III. Type of Action (check one)

X NPDES Permit-327 IAC 5

- ☐ Land Application Permit-327 IAC 6.1
- □ Confined Feeding Approval-IC 13-18-10
- □ Sewer Ban Waiver Request-327 IAC 4
- □ Operator Certification-327 IAC 5-22
- □ Pretreatment Permit -327 IAC 5
- □ Construction Permit-327 IAC 3

If Fee Is Required, Return To: (include NPDES permit No. on check) INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT Cashiers Office – Mail Code 50-10C

100 North Senate Avenue Indianapolis, IN 46204-2251

## If No Fee Is Required, Return To:

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Office of Water Quality - Mail Code 65-42

Indidustal Permit Section

100 North Senate Avenue

Indianapolis, Indiana 46204-2251

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